

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

HOWARD LEE JUSTICE, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 3:16-1444

WESTERN REGIONAL JAIL;  
JOHN DOE, Correctional Officer at  
Western Regional Jail,

Defendants.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the complaint be dismissed, without prejudice, and this matter be removed from the docket of the Court. Neither party has filed objections to the Magistrate Judge's findings and recommendations. The Court notes that the proposed findings of fact and recommendation mailed to Plaintiff was returned marked undeliverable. Plaintiff has not provided a current address to the Court.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **ORDERS** the complaint **DISMISSED, without prejudice**, and this matter **REMOVED** from the docket of the Court, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: November 23, 2016

  
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ROBERT C. CHAMBERS, CHIEF JUDGE